

## REMARKS

Applicants have amended allowable claims 16/11 and 17/11 to put them into independent form by incorporating the limitations of claim 11 prior to the amendments to claim 11 above and have added new claims 18 and 19 to correspond to allowable claims 16/12 and 17/12, respectively. Claims 16-19 should now be allowed.

Claims 11-15 stand rejected as anticipated by Krohn U.S. Patent No. 4,036,624.<sup>1</sup> This rejection is respectfully traversed in view of the amendment of claim 11 to incorporate the limitations of claim 12, which is now canceled.

The Examiner cites Krohn as disclosing an apparatus for dyeing lenses. That is not correct: Krohn discloses an apparatus for making lenses with varying photochromic or phototropic behavior,<sup>2</sup> which, as can be seen from the appearances of the lenses in Krohn's Figs. 2(A) and 2(B), produces lenses that do not exhibit variations in color unless they are subjected to light. This distinction is important because Krohn's apparatus does not have to be configured to produce lenses of different appearance as direct products and thus does not have to incorporate the cooling unit as part of the heating furnace as claimed in amended claim 11. This is a difference in structure and not simply a different intended use.

The Examiner apparently cites Krohn's "blocks 20, 21 and 23 with different cuts for controlling the heating and cooling of the lens" as corresponding to the claimed cooling mechanism. As can be seen from the disclosure in Krohn starting at column 10, line 45, bricks 20, 21 and 23 each have cuts in them that result in their being progressively farther away from

---

<sup>1</sup> Applicants note that this is not the Krohn patent listed on the Form PTO-1449 applicants submitted and respectfully request the Examiner to make this Krohn '624 reference of record on a Form PTO-892.

<sup>2</sup> As explained at McGraw-Hill Dictionary of Scientific and Technical Terms 1494 (5<sup>th</sup> ed. 1994), "photochromic glass" is a "glass that darkens when exposed to light but regains its original transparency a few minutes after light is removed." "Phototropism" is defined as a "reversible change in the structure of a solid exposed to light or other radiant energy, accompanied by a change in color." *Id.* at 1499.

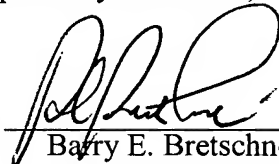
arcuate furnace shell 12. These bricks are not part of the heating furnace, as they are located completely outside the path along which the lenses to be treated travel in Krohn's apparatus. Furthermore, these bricks are not located so as to correspond to positions in which the lens does not require coloration and do not provide such a function. If anything, Krohn teaches away from applicants' invention and certainly does not identically disclose it. As a result, claims 11 and 13-15 are patentable over the prior art of record and should be allowed.

Early action allowing claims 11 and 13-19 is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 279222001000.

Dated: June 7, 2005

Respectfully submitted,

By:   
Barry E. Bretschneider  
Registration No. 28,055

Morrison & Foerster LLP  
1650 Tysons Boulevard  
Suite 300  
McLean, Virginia 22102  
Telephone: (703) 760-7743  
Facsimile: (703) 760-7777